

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re  GBG USA Inc., <i>et al.</i> , <sup>1</sup>  Debtors.	Chapter 11  Case No. 21-11369 (MEW)  Jointly Administered
PETER HURWITZ, AS LITIGATION TRUSTEE OF THE GBG USA LITIGATION TRUST,  Plaintiff,  v.  RICHARD NIXON DARLING, MARK JOSEPH CALDWELL, RONALD VENTRICELLI, ROBERT K. SMITS, STEPHEN HARRY LONG, BRANDON CARREY, FUNG HOLDINGS (1937) LIMITED, FUNG DISTRIBUTION INTERNATIONAL LIMITED, STEP DRAGON ENTERPRISE LTD., GOLDEN STEP LIMITED, WILLIAM FUNG KWON LUN, KING LUN HOLDINGS LIMITED, FIRST ISLAND DEVELOPMENTS LIMITED, VICTOR FUNG KWOK KING, SPENCER THEODORE FUNG, HSBC TRUSTEE (C.I.) LIMITED, BRUCE PHILIP ROCKOWITZ, AND HURRICANE MILLENNIUM HOLDINGS LIMITED,  Defendants.	Adversary Proceeding  Adv. Proc. Case No. 23- 01022 (MEW)

**ORDER DENYING. AS MOOT, PLAINTIFF'S *EX PARTE* MOTION FOR  
PERMISSION TO FILE A COMPLAINT AND EXHIBITS UNDER SEAL**

Upon the *ex parte* motion (the "Motion to Seal") (Adv. Dkt. No. 2) of Plaintiff Peter Hurwitz as Litigation Trustee (the "Litigation Trustee") of the GBG USA Litigation Trust, for the entry of an order pursuant to 11 U.S.C. §§ 105(a) and 107(b), Rule 9018 of the Federal Rules of

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<sup>1</sup> The "Debtors" in these chapter 11 cases and the last four digits of each Debtor's federal taxpayer identification number are as follows: GBG USA Inc. (2467), Jimlar Corporation (8380), GBG North America Holdings Co., Inc. (5576), Homestead International Group Ltd. (0549), IDS USA Inc. (7194), MESH LLC (8424), Frye Retail, LLC (1352), Krasnow Enterprises, Inc. (0122), Krasnow Enterprises Ltd. (0001), Pacific Alliance USA, Inc. (0435), GBG Spyder USA LLC (9108), and GBG Sean John LLC (1287). The Debtors' mailing address was GBG USA Inc., P.O. Box 4965, Greensboro, NC 27404.

Bankruptcy Procedure, and Rule 9018-1 of the Local Bankruptcy Rules of Practice for the Southern District of New York (the “Local Bankruptcy Rules”) permitting the Litigation Trustee to file under seal the unredacted version of the complaint (the “Complaint”); and upon the Court’s Order that temporarily permitted a filing under seal (Adv. Dkt. No. 3), pending a determination as to whether any party objected to the public filing of the unredacted complaint and exhibits and, if so, whether the circumstances justified the sealing of all or any portions thereof; and the Litigation Trustee having provided a copy of the Motion to Seal and the unredacted version of the Complaint to (i) Fung Corporate Group Services (“FCGS”); (ii) Messrs. Willmott and Johnston, as the Joint Liquidators of Global Brands Holdings Limited, and (iii) Mr. Alan Halperin, as the GBG USA Plan Administrator; and none of FCGS, Messrs. Willmott and Johnston, or Mr. Halperin, as the GBG USA Plan Administrator, having offered proposed redactions to the Complaint before March 28, 2023, as specified in the Court’s prior Order; and the Litigation Trustee having filed a Certificate of No Objection on March 30, 2023 (Adv. Dkt. No. 8); and the Litigation Trustee having filed an unredacted version of the Complaint on the public record on March 30, 2023 (Adv. Dkt. No. 7); and the Court having determined that the Litigation Trustee’s March 30, 2023 filing of an unredacted version of the Complaint renders the Motion to Seal moot,

**IT IS HEREBY ORDERED:**

1. The Motion to Seal is denied as MOOT.
2. Notwithstanding any applicable federal or local rule of procedure, the terms and conditions of this order shall be immediately effective and enforceable upon entry of this Order.

Dated: New York, New York  
April 5, 2023

**s/Michael E. Wiles**  
Honorable Michael E. Wiles  
United States Bankruptcy Judge